

AO 440 (Rev. 10/93) Summons in a Civil Action - SDNY WEB 4/99

United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

BRENNAL STEWART

ECF CASE

SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

THE CITY OF NEW YORK, P. O. F/N/U
RODRIGUEZ, P.O. JOHN DOE and
SERGEANT RICHARD ROE, unknown
employees of the New York City Police
Department, individually and as P.O.s for NYC

04 CV 07271

TO: (Name and address of defendant)

See attached Rider I

JUDGE SCHEINDLIN

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

JOANNE M. DWYER, ESQ.
225 Broadway
41st Floor
New York, NY 10007

RECEIVED
04 SEP 10 PM 11:01
U.S. DISTRICT COURT SDNY

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

SEP 10 2004

J. MICHAEL McMAHON

CLERK

DATE

Joanna Doe

(BY) DEPUTY CLERK

UNITED STATES DISTRICT COURT/SOUTHERN DISTRICT OF NEW YORK Attorney: JOANNE M DWYER - 378

BRENNA L STEWART

Index #: 04 CV 07271

Plaintiff(s)

- against -

Date Filed:

THE CITY OF NEW YORK ET AL

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

WILLIAM MORRISON BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on December 22, 2004 at 11:50 AM at

44TH PRECINCT
2 EAST 169TH STREET
BRONX, NY 10452

deponent served the within true copy/copies of the SUMMONS & COMPLAINT on POLICE OFFICER MARIA RODRIGUEZ, SHIELD# 10370, the defendant/respondent therein named,

**SUITABLE
AGE**

by delivering thereat a true copy/copies of each to LT. HOFFMAN a person of suitable age and discretion. Said premises is the defendant's/respondent's actual place of business within the state. She identified herself as being AUTHORIZED to accept for the defendant/respondent.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
FEMALE	BROWN	BLACK	34	5'3	125

MAILING

Deponent enclosed a true copy/copies of same in a postpaid wrapper properly addressed to the defendant/respondent at the defendant's/respondent's actual place of business at

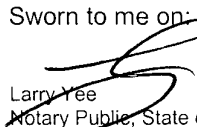
44TH PRECINCT
2 EAST 169TH STREET
BRONX, NY 10452

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on December 23, 2004 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside envelope thereof, by return address or otherwise that the communication is from an attorney or concerns an action against the party to be served.

**MILITARY
SERVICE**


Person spoken to was asked whether the defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

Sworn to me on: December 23, 2004


 Lanny Yee
 Notary Public, State of New York
 No. 01YE5015682
 Qualified in New York County
 Commission Expires July 26, 2005

 Linda L. Forman
 Notary Public, State of New York
 No. 01FO5031305
 Qualified in New York County
 Commission Expires Aug 1, 2006

 Stuart J. Forman
 Notary Public State of New York
 No 31-4828240
 Qualified in New York County
 Commission Expires June 30, 2007


WILLIAM MORRISON
 License #: 870436
 Docket #: 307085